

**CITY OF MILPITAS PLANNING COMMISSION
AGENDA FOR JANUARY 28, 2009
CITY HALL COUNCIL CHAMBERS 7:00 P.M.
455 E. CALAVERAS BLVD., MILPITAS, CA 95035
(408) 586-3279**

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. PUBLIC FORUM**

Members of the audience are invited to address the Planning Commission on any subject not on tonight's agenda. Speakers must come to the podium, state their name and address for the Secretary's record, and limit their remarks to under three minutes. As an unagendized item, no response is required of the City staff or the Commission; however, the Commission may agendize the item for a future meeting.

- IV. APPROVAL OF MINUTES:** January 14, 2009
- V. ANNOUNCEMENTS**
- VI. ANNOUNCEMENT OF CONFLICT OF INTEREST**
- VII. APPROVAL OF THE AGENDA**
- VIII. CONSENT CALENDAR (Items with an asterisk *)**

The consent calendar items are considered to be routine and will be considered with one public hearing and adopted by one motion. There will be no separate discussion of these items unless a member of the Planning Commission, member of the audience, or staff requests the Planning Commission to have an item removed from or added to the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

IX. PUBLIC HEARING

- 1. CONDITIONAL USE PERMIT NO. UP08-0048:** A request to operate a Tobacco shop. The project is located at 1307 Jacklin Rd. (APN: 029-50-040), zoned Neighborhood Commercial with Site and Architectural Overlay (C1-S). No exterior changes to the site or building are proposed. Applicant: Charanjit Singh. Staff Contact: Judie Gilli (408) 586-3280. PJ # 2565. *(Recommendation: Adopt Resolution No. 09-008 approving the project subject to conditions of approval.)*
- 2. CONDITIONAL USE PERMIT NO. UP08-0042 AND ENVIRONMENTAL IMPACT ASSESSMENT NO. ES08-0006:** A request to operate a certified Farmers' Market within the Great Mall parking lot located at 1100 S Main Street. The market's proposed hours of operation are for Sundays from 8:00 a.m. until 1:00 p.m. during the months of April until the first Sunday prior to Thanksgiving. (APN: 086-24-060), zoned General Commercial with Site and Architectural Overlay (C2-S). Applicant: Chang B. Yang. Staff Contact: Tiffany Brown (408) 586-3283. PJ # 2559. *(Recommendation: Adopt Resolution No. 09-009 approving the project subject to conditions of approval and adopting the Negative Declaration for the project.)*
- 3. ZONING AMENDMENT NO. ZA08-0010, SPECIFIC PLAN AMENDMENT NO. ST08-0003, PARKING ORDINANCE AMENDMENTS:** A request to amend the City of Milpitas Zoning Ordinance Section 53 regarding the amount of parking required, parking design standards and formatting changes to the section. The section affects parking for all zoning districts and uses

within the City, including those within the Midtown and Transit Area Specific Plans. The proposed changes would affect new or remodel projects. Staff Contact: Sheldon S. Ah Sing (408) 586-3278. *(Recommendation: Adopt Resolution No. 09-007 recommending approval of the amendments to the City Council.)*

4. **MAJOR TENTATIVE MAP NO. MT08-0004, SITE DEVELOPMENT PERMIT NO. SD08-0002, CONDITIONAL USE PERMIT NO. UP08-0049:** A request to create three parcels with ancillary lots for private streets; the dedication of right-of-way for public streets and a public park; and provision for utilities for the purpose of accommodating future residential development plans. The project site could accommodate up to 639 dwelling units to be located in three buildings. The proposal includes a vesting tentative map for condominium purposes. This proposal includes development plans and architectural review for the project. The project is located at 1200 Piper Drive (APNs: 086-32-037 through -040), zoned High Density Residential with Transit Oriented Development and Site and Architectural Overlays (R3-TOD-S). Applicant: SCS Development. Staff Contact: Sheldon S. Ah Sing (408) 586-3278. PJ # 2527. *(Recommendation: Adopt Resolution No. 08-069 approving the project subject to conditions of approval.)*
- *5. **MAJOR TENTATIVE MAP NO. MT08-0002, CONDITIONAL USE PERMIT NO. UP08-0046, DEVELOPMENT AGREEMENT, OWNER PARTICIPATION AGREEMENT, AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA08-0005:** A request to subdivide a 24 acre site into nine (9) parcels for condominium purposes, establish building setbacks, improve existing roads, construction of a new local street, and create an urban plaza and public trail along Penitencia Creek. The project contemplates the future development of 1,573 dwelling units through a 10% density bonus for affordable housing over the entire project and an additional 25% transit density bonus on the properties zoned MXD2. Commercial space totaling 92,757 square feet is also contemplated on three (3) parcels within mixed use buildings. The project also includes a Development Agreement and an Owner Participation Agreement requesting financial assistance from the Redevelopment Agency. The project is located at the intersection of Great Mall Parkway and McCandless Drive (1315 McCandless Drive) (APNs: 086-33-092, 086-33-093, 086-33-094, 086-33-095, 086-33-098, 086-33-099, and 086-33-101), zoned a combination of Residential – Retail High Density Mixed Use and High Density Transit Oriented Residential with Site and Architectural Overlay (MXD2-S and R3-S). Applicant: Integral. Staff Contact: Sheldon S. Ah Sing (408) 586-3278. PJ # 3222. *(Recommendation: Open the public hearing and continue the public hearing to the February 11, 2009 meeting.)*
- *6. **SIX MONTH REVIEW FOR CONDITIONAL USE PERMIT AMENDMENT NO. UA08-0010:** Review of the approval which allows seating on the dance floor during restaurant/dining hours and allows the service of a full range of alcoholic beverages for the existing restaurant located at 78 Dempsey Road. The review summarizes any complaints or issues raised by the public during the last six months of operation for the restaurant. (APN: 088-04-001), zoned Neighborhood Commercial with Site and Architectural Overlay (C1-S). Applicant: Maria De Jesus Zauala. Staff Contact: Tiffany Brown (408) 586-3283. PJ # 2534. *(Recommendation: Note receipt and file; and continue until the next 6 month review.)*
- *7. **MAJOR TENTATIVE MAP NO. MT08-0001, SITE DEVELOPMENT PERMIT NO. SZ07-0002, CONDITIONAL USE PERMIT NO. UP08-0045, AND ENVIRONMENTAL IMPACT ASSESSMENT NO. EA08-0004:** A request to further develop an existing office campus by adding 424,814 square feet of new office space in six, five story buildings and constructing an elevated parking deck. When built out, the total square footage of the campus would be 1,415,814 square feet. Because of potential environmental impacts stemming from the project, the project is subject to an Environmental Impact Report. The project also proposes a modification to the existing Development Agreement for the site. The project is located at 205 N. McCarthy Ranch Boulevard (APNs: 022-56-005 through 009), zoned Industrial Park with Site and Architectural Overlay (MP-S). Applicant: Equity Office. Staff Contact: Sheldon S. Ah Sing

(408) 586-3278. PJ # 3223. *(Recommendation: Adopt Resolution No. 08-066 recommending approval of the project, the first amendment of the Development Agreement and certification of the project EIR, subject to conditions of approval.)*

Any person aggrieved by any final decision of any, board, commission, or department head to the City of Milpitas may appeal the decision to the City Council by filing written notice of the appeal with the City Clerk within twelve (12) calendar days of the date of said decision and paying the required fee. This time limit shall be strictly enforced.

X. ADJOURNMENT

THE NEXT PLANNING COMMISSION MEETING IS February 11, 2009

The Planning Division will provide a recorded agenda or minutes on standard cassette or printed in large type upon request for the visually impaired. In compliance with the Americans with Disabilities act, individuals requiring accommodation for this meeting should notify the Planning Division prior to the meeting at (408) 586-3279, TDD (408) 586-3013.

MILPITAS PLANNING COMMISSION SUBCOMMITTEE

The Planning Commission Subcommittee consists of two members (currently Gurdev Sandhu-regular member, Larry Ciardella-regular member, Alex Galang - alternate member) of the Planning Commission, who have approval authority for Minor Site Development Permits and other minor project reviews not involving public hearings. **This project review will be held at 6:30 P.M. in the City of Milpitas Committee Conference Room, First Floor, 455 E. Calaveras Boulevard.**

- a. MINOR SITE DEVELOPMENT PERMIT AMENDMENT NO. MS09-0002:** A request to install a new illuminated red light band at the top of mansard roof for the restaurant building located at 175 W. Calaveras Blvd. (APN: 086-25-040), zoned General Commercial with Site and Architectural Overlay (C2-S). Applicant: Elise Sola. Staff Contact: Cindy Hom (408) 586-3284.

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

Materials related to an item on this agenda submitted to the Planning Commission after initial distribution of the agenda packet are available for public inspection at the Planning Department office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas during normal business hours.

For more information on your rights under the Open Government Ordinance or to report a violation of the ordinance, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035

E-mail: mogaz@ci.milpitas.ca.gov

Phone (408) 586-3040

Fax (408) 586-3030

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.
